

By

Kon Yarbrough

H.B. No. 3374

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of persons who install and repair air conditioning and refrigeration systems.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading of the Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes) is amended to read as follows:

Art. 8861. AIR CONDITIONING AND REFRIGERATION [~~CONTRACTOR~~]
LICENSE LAW

SECTION 2. Section 1, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. SHORT TITLE. This Act may be cited as the "Air Conditioning and Refrigeration [~~Contractor~~] License Law."

SECTION 3. Section 3(a), Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The commissioner shall adopt rules for the practice of air conditioning and refrigeration contracting, air conditioning and refrigeration installation, and air conditioning and refrigeration maintenance work consistent with this Act. The standards prescribed by rule must be at least as strict as the standards set forth in the Uniform Mechanical Code published jointly by the International Conference of Building Officials and

1 the International Association of Plumbing and Mechanical Officials
2 or the Standard Mechanical Code published by the Southern Building
3 Code Congress International, Inc., as those codes exist at the time
4 the rules are adopted. The commissioner shall enforce this Act and
5 may adopt rules relating to enforcement requirements.

6 SECTION 4. Section 3A(a), Air Conditioning and Refrigeration
7 Contractor License Law (Article 8861, Vernon's Texas Civil
8 Statutes), is amended to read as follows:

9 (a) The Air Conditioning and Refrigeration [~~Contractors~~]
10 Advisory Board is created to advise the commissioner in adopting
11 rules and enforcing and administering this Act and to advise the
12 commission in setting fees.

13 SECTION 5. Section 3B, Air Conditioning and Refrigeration
14 Contractor License Law (Article 8861, Vernon's Texas Civil
15 Statutes), is amended to read as follows:

16 Sec. 3B. LICENSE REQUIRED. Unless the person is exempted
17 under Section 6 of this Act, a person may not perform air
18 conditioning and refrigeration contracting, air conditioning and
19 refrigeration installation, or air conditioning and refrigeration
20 maintenance work without an appropriate [a] license under this Act.

21 SECTION 6. The heading of Section 4, Air Conditioning and
22 Refrigeration Contractor License Law (Article 8861, Vernon's Texas
23 Civil Statutes), is amended to read as follows:

24 Sec. 4. AIR CONDITIONING AND REFRIGERATION [~~CONTRACTOR~~]
25 LICENSES.

26 SECTION 7. Section 4, Air Conditioning and Refrigeration
27 Contractor License Law (Article 8861, Vernon's Texas Civil

1 Statutes), is amended by amending Subsections (a), (c), and (g) and
2 adding Subsections (j) and (k) to read as follows:

3 (a) Air conditioning and refrigeration [~~contractor~~] licenses
4 are of five [~~two~~] classes:

5 (1) a Class A license entitles the licensee to perform
6 air conditioning and refrigeration contracting, of each type for
7 which the license is endorsed, on systems, products, or equipment
8 of any size or capacity; [~~and~~]

9 (2) a Class B license entitles the licensee to perform
10 air conditioning and refrigeration contracting, of each type for
11 which the license is endorsed, on systems, products, or equipment
12 of not more than 25 tons cooling capacity or of not more than 1.5
13 million British thermal units per hour output heating capacity;

14 (3) an air conditioning and refrigeration installer
15 license entitles the license holder to perform:

16 (A) air conditioning and refrigeration
17 installations, of each type for which the license is endorsed, on
18 the type of systems allowed by rule of the commissioner; and

19 (B) air conditioning and refrigeration
20 maintenance work, of each type for which the license is endorsed,
21 on the type of systems allowed by rule of the commissioner;

22 (4) an air conditioning and refrigeration service
23 technician license entitles the license holder to perform:

24 (A) air conditioning and refrigeration
25 maintenance work, of each type for which the license is endorsed,
26 on the type of systems allowed by rule of the commissioner; and

27 (B) limited air conditioning and refrigeration

1 installations, as defined by rule of the commissioner, of each type
2 for which the license is endorsed; and

3 (5) an air conditioning and refrigeration apprentice
4 license entitles the license holder to assist a licensed air
5 conditioning and refrigeration contractor, air conditioning and
6 refrigeration installer, or air conditioning and refrigeration
7 service technician with:

8 (A) air conditioning and refrigeration
9 installations, of each type for which the license is endorsed, on
10 the type of systems allowed by rule of the commissioner; and

11 (B) air conditioning and refrigeration
12 maintenance work, of each type for which the license is endorsed,
13 on the type of systems allowed by rule of the commissioner.

14 (c) Each license shall be endorsed for either environmental
15 air conditioning or commercial refrigeration and process cooling
16 and heating, or both. For each endorsement the licensee must
17 perform satisfactorily on a separate examination related to the
18 endorsement. A licensee may not perform under a state license air
19 conditioning and refrigeration contracting, air conditioning and
20 refrigeration installation, or air conditioning and refrigeration
21 maintenance work of a type for which the person's license is not
22 endorsed.

23 (g) The commissioner shall issue an air conditioning and
24 refrigeration [~~contractor~~] license under this Act to an applicant
25 who possesses the required qualifications, passes the appropriate
26 examinations, and pays the examination fee and the original license
27 fee required by this Act. An applicant who fails an examination is

1 eligible for reexamination.

2 (j) The annual fee for a license to act as an air
3 conditioning and refrigeration installer, air conditioning and
4 refrigeration service technician, or air conditioning and
5 refrigeration apprentice shall be in an amount not to exceed \$25.

6 (k) The commissioner shall establish practical experience
7 requirements for obtaining an air conditioning and refrigeration
8 installer, air conditioning and refrigeration service technician,
9 or air conditioning and refrigeration apprentice license.

10 SECTION 8. Section 7, Air Conditioning and Refrigeration
11 Contractor License Law (Article 8861, Vernon's Texas Civil
12 Statutes), is amended to read as follows:

13 Sec. 7. REPORTING REQUIREMENT. Each person licensed under
14 this Act shall notify the municipal authority who has control of
15 the enforcement of regulations relative to air conditioning and
16 refrigeration work [~~contracting~~] in the municipality in which the
17 person is engaged in air conditioning and refrigeration
18 contracting, air conditioning and refrigeration installation, or
19 air conditioning and refrigeration maintenance work that the person
20 has obtained an appropriate [a] state license. The notification
21 must be in the form required by the municipality.

22 SECTION 9. Section 8, Air Conditioning and Refrigeration
23 Contractor License Law (Article 8861, Vernon's Texas Civil
24 Statutes), is amended to read as follows:

25 Sec. 8. PENALTY. Except as provided in Section 9, a person
26 commits an offense if the person knowingly or intentionally engages
27 in air conditioning and refrigeration contracting, air conditioning

1 and refrigeration installation, or air conditioning and
2 refrigeration maintenance work without an appropriate [a] license
3 issued under this Act. An offense under this section is a Class B
4 misdemeanor.

5 SECTION 10. Section 9, Air Conditioning and Refrigeration
6 Contractor License Law (Article 8861, Vernon's Texas Civil
7 Statutes), is amended to read as follows:

8 Sec. 9. MUNICIPAL REGULATION. (a) A license issued by a
9 municipality of this state is valid under the terms of the license
10 within that municipality. However, a license issued under this Act
11 is valid throughout the state, and the holder and people under
12 supervision are not required to hold a municipal license to
13 practice air conditioning and refrigeration contracting, air
14 conditioning and refrigeration installation, or air conditioning
15 and refrigeration maintenance work in any municipality within this
16 state.

17 (b) A municipality may by ordinance adopt and enforce
18 standards for air conditioning and refrigeration contractors, air
19 conditioning and refrigeration installers, air conditioning and
20 refrigeration service technicians, and air conditioning and
21 refrigeration apprentices that are consistent with the standards
22 established under this Act. The municipality shall report
23 violations of the ordinance to the commissioner not later than the
24 10th day after the date on which the municipality takes action to
25 enforce the ordinance. Conviction of an offense under the
26 municipal ordinance is a ground for the denial, suspension, or
27 revocation of a license issued under this Act.

1 SECTION 11. (a) A person may obtain an air conditioning and
2 refrigeration installer or air conditioning and refrigeration
3 service technician license and the appropriate endorsements without
4 taking the examinations required by the commissioner of licensing
5 and regulation if the person provides evidence to the commissioner
6 that the person has, as of January 1, 1998, at least five years'
7 experience in the area of air conditioning and refrigeration work
8 in which the person seeks a license and endorsement.

9 (b) The commissioner of licensing and regulation shall adopt
10 rules for determining the type of air conditioning and
11 refrigeration work that qualifies as experience needed for
12 exemption from the examination requirements for obtaining a license
13 and the accompanying endorsements not later than December 1, 1997.

14 SECTION 12. (a) Except as provided by Subsection (b), this
15 Act takes effect September 1, 1997.

16 (b) A person is not required to obtain a license to perform
17 or assist in performing air conditioning and refrigeration
18 installations or air conditioning and refrigeration maintenance
19 work as required by Section 3B, Air Conditioning and Refrigeration
20 Contractor License Law (Article 8861, Vernon's Texas Civil
21 Statutes), as amended by this Act, before January 1, 1999.

22 SECTION 13. The importance of this legislation and the
23 crowded condition of the calendars in both houses create an
24 emergency and an imperative public necessity that the
25 constitutional rule requiring bills to be read on three several
26 days in each house be suspended, and this rule is hereby suspended.

75TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

For chief clerk use only
Bill or Resolution Number: hb 3374

Ken Yarbrough
signature of **primary** author

Ken Yarbrough
printed name of **primary** author

3-14-97
Date

PERMISSION TO SIGN _____ HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES

THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2120 Alexander</u>	<u> </u> Date	<u>A2645 Cuellar</u>	<u> </u> Date	<u>A2935 Giddings</u>	<u> </u> Date
<u>A2115 Allen</u>	<u> </u> Date	<u>A2635 Culberson</u>	<u> </u> Date	<u>A2880 Glaze</u>	<u> </u> Date
<u>A2105 Alvarado</u>	<u> </u> Date	<u>A2670 Danburg</u>	<u> </u> Date	<u>A2985 Goodman</u>	<u> </u> Date
<u>A2135 Averitt</u>	<u> </u> Date	<u>A2675 Davila</u>	<u> </u> Date	<u>A2990 Goolsby</u>	<u> </u> Date
<u>A2160 Bailey</u>	<u> </u> Date	<u>A2625 Davis</u>	<u> </u> Date	<u>A3005 Gray</u>	<u> </u> Date
<u>A2200 Berlanga</u>	<u> </u> Date	<u>A2680 Delisi</u>	<u> </u> Date	<u>A3010 Greenberg</u>	<u> </u> Date
<u>A2250 Bonnen</u>	<u> </u> Date	<u>A3385 Denny</u>	<u> </u> Date	<u>A3020 Grusendorf</u>	<u> </u> Date
<u>A2275 Bosse</u>	<u> </u> Date	<u>A2705 Driver</u>	<u> </u> Date	<u>A3030 Gutierrez</u>	<u> </u> Date
<u>A2260 Brimer</u>	<u> </u> Date	<u>A2665 Dukes</u>	<u> </u> Date	<u>A3035 Haggerty</u>	<u> </u> Date
<u>A2255 Burnam</u>	<u> </u> Date	<u>A2660 Dunnam</u>	<u> </u> Date	<u>A2695 Hamric</u>	<u> </u> Date
<u>A2400 Carter</u>	<u> </u> Date	<u>A2650 Dutton</u>	<u> </u> Date	<u>A3170 Hartnett</u>	<u> </u> Date
<u>A2585 Chavez</u>	<u> </u> Date	<u>A2770 Edwards</u>	<u> </u> Date	<u>A3345 Hawley</u>	<u> </u> Date
<u>A2480 Chisum</u>	<u> </u> Date	<u>A2760 Ehrhardt</u>	<u> </u> Date	<u>A3180 Heflin</u>	<u> </u> Date
<u>A2525 Christian</u>	<u> </u> Date	<u>A2775 Eiland</u>	<u> </u> Date	<u>A3230 Hernandez</u>	<u> </u> Date
<u>A2520 Clark</u>	<u> </u> Date	<u>A2785 Elkins</u>	<u> </u> Date	<u>A3240 Hightower</u>	<u> </u> Date
<u>A2435 Coleman</u>	<u> </u> Date	<u>A2810 Farrar</u>	<u> </u> Date	<u>A3310 Hilbert</u>	<u> </u> Date
<u>A2565 Cook</u>	<u> </u> Date	<u>A2830 Finnell</u>	<u> </u> Date	<u>A3250 Hilderbran</u>	<u> </u> Date
<u>A2595 Corte</u>	<u> </u> Date	<u>A2840 Flores</u>	<u> </u> Date	<u>A3275 Hill</u>	<u> </u> Date
<u>A2600 Counts</u>	<u> </u> Date	<u>A2920 Gallego</u>	<u> </u> Date	<u>A3270 Hinojosa</u>	<u> </u> Date
<u>A2605 Crabb</u>	<u> </u> Date	<u>A2910 Galloway</u>	<u> </u> Date	<u>A3285 Hirschi</u>	<u> </u> Date
<u>A2610 Craddick</u>	<u> </u> Date	<u>A2930 Garcia</u>	<u> </u> Date	<u>A3305 Hochberg</u>	<u> </u> Date

For chief clerk use only
Bill or Resolution Number: 3374

A3290 Hodge	Date	A3845 McReynolds	Date	A4435 Shields	Date
A3295 Holzhauser	Date	A3840 Merritt	Date	A4445 Siebert	Date
A3300 Horn	Date	A3850 Moffat	Date	A4525 Smith	Date
A3315 Howard	Date	A3860 Moreno	Date	A4530 Smithee	Date
A3355 Hunter	Date	A3865 Mowery	Date	A4550 Solis	Date
A3360 Hupp	Date	A3885 Naishtat	Date	A4505 Solomons	Date
A3375 Isett	Date	A3895 Nixon	Date	A4515 Staples	Date
A3380 Jackson	Date	A3875 Oakley	Date	A4510 Stiles	Date
A3415 Janek	Date	A3880 Oliveira	Date	A4570 Swinford	Date
A3405 Jones, Delwin	Date	A3886 Olivo	Date	A4585 Talton	Date
A3400 Jones, Jesse	Date	A4010 Palmer	Date	A4605 Telford	Date
A3440 Junell	Date	A4070 Patterson	Date	A4630 Thompson	Date
A3460 Kamel	Date	A4180 Pickett	Date	A4635 Tillery	Date
A3475 Keel	Date	A4185 Pitts	Date	A4640 Torres	Date
A3480 Keffer	Date	A4110 Place	Date	A2730 Turner, Bob	Date
A3465 King	Date	A4190 Price	Date	A4685 Turner, Sylvester	Date
A3485 Krusee	Date	A4200 Puentes	Date	A4690 Uher	Date
A3490 Kubiak	Date	A4230 Rabuck	Date	A4720 Van de Putte	Date
A3450 Kuempel	Date	A4210 Ramsay	Date	A4990 Walker	Date
A3510 Laney	Date	A4240 Rangel	Date	A4995 West	Date
A3605 Lewis, Glenn	Date	A4235 Raymond	Date	A5035 Williams	Date
A3600 Lewis, Ron	Date	A4245 Reyna, Arthur	Date	A5010 Williamson	Date
A3615 Longoria	Date	A4236 Reyna, Elvira	Date	A5000 Wilson	Date
A3620 Luna, Vilma	Date	A4260 Rhodes	Date	A5020 Wise	Date
A3715 Madden	Date	A4315 Rodriguez	Date	A5015 Wohlgemuth	Date
A3750 Marchant	Date	A4320 Roman	Date	A4980 Wolens	Date
A2700 Maxey	Date	A4370 Sadler	Date	A5005 Woolley	Date
A3665 McCall	Date	A4420 Seaman	Date	A5025 Yarbrough	Date
A3650 McClendon	Date	A4460 Serna	Date	A5040 Zbranek	Date

H.B. No. 3374

By Ron Yarbrough

A BILL TO BE ENTITLED
AN ACT

Relating to the regulation of persons who install and repair air conditioning and refrigeration systems.

MAR 14 1997 Filed with the Chief Clerk

MAR 18 1997 Read first time and referred to Committee on Licensing & Administrative Procedures

Reported favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

Read third time, _____, and passed by (a viva voce vote)
(yeas, nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)